

**REMARKS**

**Summary of the Office Action and Formalities**

Claims 1-10 are all the claims pending. By this Amendment, Applicant is amending claim 1, canceling claim 10 and adding new claims 11-14.<sup>1</sup> No new matter is added.

Applicants thanks the Examiner for acknowledging their claim to foreign priority and for confirming that the certified copy of the priority document was received. Since this application is a national stage of a PCT application, Applicant is of the understanding that the Examiner intended to check the appropriate box that indicates that a copy of the certified copy of the priority document was received from the International Bureau.

Claims 1-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Marecki (U.S. Patent No. 5,290,539) in view of Bepak (GB 2,323,597)

Applicant respectfully traverses.

**Claim Rejection 35 U.S.C. § 103**

In rejecting claims 1-10 as being unpatentable over Marecki in view of Bepak, the

Examiner states:

Marecki discloses valve seals for handling hydrofluorocarbons under pressure (abstract). The material used is a thermoplastic elastomer which may contain customary fillers and

---

<sup>1</sup> Claim 10 was amended by the Preliminary Amendment filed on June 15, 2001 to remove the multiple dependency. However, this amendment was erroneously based off of claim 10 prior to the Article 34 Amendment in the PCT stage. To avoid confusion, Applicant is canceling claim 10 and rewriting this claim as new claim 14.

additives. The reference lacks an explicit recitation of the use of HNBR and butyl rubber.

The GB '597 reference discloses valve seals for similar pressure systems compromising HBNR and butyl rubber.

It would have been obvious to one of ordinary skill in the art to substitute the HBNR/butyl rubber materials of the secondary reference for those of the primary reference with the reasonable expectation that suitable sealing properties would result.

Office Action at page 2.

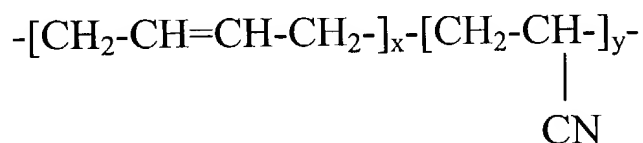
Claim 1 has been amended to recite that at least one of said gaskets comprises a hydrogenated nitrile butadiene rubber (*i.e.*, HNBR). Neither Marecki nor Bepak, whether taken alone or in combination, teach or suggest making a gasket from HNBR.

Marecki discloses various valve sealing materials which can be used with HFC-134a or HFC-227 propellants. However, clearly absent from Marecki is a disclosure of HNBR for use as a sealing material.

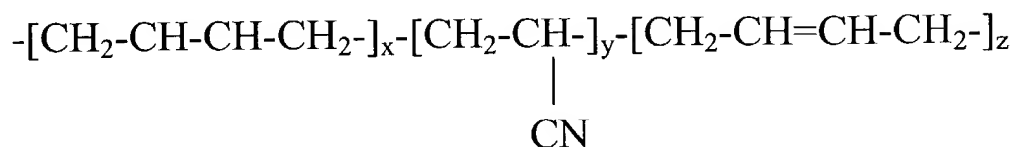
Bepak discloses butyl rubber and butadiene-acrylonitrile rubber (Buna). However, again, Bepak does not disclose HNBR.

Indeed, HNBR is significantly different from Buna. In particular, the respective chemical formulas are different as follows:

1. Buna is a nitrile elastomer with the following chemical formula:



2. HNBR is a hydrogenated nitrile with the following chemical formula:



As a result, the respective compounds have different properties, with HNBR providing unexpected better chemical properties, better resistance to aging, better resistance to abrasion and better behavior at low temperatures.

Therefore, absent any teaching or suggestion in the prior art to use HNBR in gaskets, one skilled in the art would not have found it obvious to use this material in a device containing HFC-134a or HFC-277 propellant.

In view of at least the foregoing distinctions, the Examiner is requested to reconsider and allow claim 1, as well as all dependent claims 2-9 and 11-14.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

U.S. Appln No.: 09/868,137  
Amendment Under 37 C.F.R § 1.111

Q64868

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Raja Saliba  
Registration No. 43,078

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: January 5, 2004